

REMARKS

The foregoing amendment is submitted to more clearly set forth the claimed invention and to highlight the differences between the claimed invention and the prior art of record.

Claim 1, directed to a method for providing a dental hygiene effect, has been amended to provide two method steps. The first is to place a low moisture chewing gum into the oral cavity and the second step is to chew the chewing gum for a time sufficient to provide the dental hygiene effect. Of particular importance to the claimed method is that prior to being chewed, the low moisture chewing gum maintains a separation between the sodium bicarbonate component and the CCP-ACP component. This addition to claim 1 is fully supported in the application on page 4, lines 14-20 where it is clearly indicated that the two components are separated from each other. The separation can be achieved in a variety of ways such as through the use of separate layers, the use of encapsulation materials and the like.

It is an essential feature of the claimed invention that the ingredients (sodium bicarbonate and CCP-ACP) cannot admix prior to use by the consumer (such as when the product is being stored). A similar amendment has been made to claim 7 directed to the chewing gum composition. Minor changes of a clerical nature have also been made in the claims. Entry of the amendment is fully supported in the application as filed and entry thereof is deemed proper and is respectfully requested.

In the final Office Action of October 18, 2002, the claims of the application were rejected over the combination of Reynolds (WO 98/40406) in view of Muhler (U.S. Patent No. 3,590,120). The rejection is hereby traversed and reconsideration is respectfully requested.

The obviousness rejection set forth in the Office Action is premised on the assumption that one skilled in the art would be inclined to add the two components into a chewing gum composition "which is typically low in moisture content". However, there is no teaching or suggestion in either reference of having to provide chewing gum compositions wherein the sodium bicarbonate and the CPP-ACP are separated from each other until the chewing gum is placed in the oral cavity and chewed by the consumer. Applicants' claims have now provided that the two components are separate from each other so that the components remain stable in the chewing gum composition prior to chewing.

One of ordinary skill in the art would not be led to the claimed invention from the cited references. Even if one were motivated to combine the two components into a chewing gum, neither reference teaches or suggests that the two components should be separate from one another or any motivation for doing so. Thus, even if one accepts the proposition that one of ordinary skill in the art would be inclined to combine the ingredients, the combination, without Applicants' discovery, would result in a chewing gum composition which was unsatisfactory because of the possible interaction of the two components (when not separated) while the chewing gum

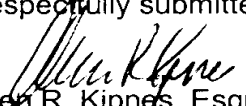
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remains outside of the oral cavity such as when being stored.

It is therefore respectfully submitted that the present claims are in condition for allowance and early passage to issue is therefore deemed proper and is respectfully requested.

It is believed that no fee is due in connection with this matter. However, if any fee is due it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,


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